

## **MINUTES**

### **MEETING OF THE LITIGATION COMMITTEE OF THE BOARD OF DIRECTORS OF THE COLORADO RIVER WATER CONSERVATION DISTRICT**

**May 16, 2003**

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Pursuant to notice duly and properly given, a meeting of the Litigation Committee of the Board of Directors of the Colorado River Water Conservation District (CRWCD) was held on Friday, May 16, 2003, at the offices of the CRWCD, 201 Centennial Street, Suite 200, Glenwood Springs, Colorado.

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**Committee members participating in all or part of the meeting:**

Stephen M. Mathis, Chairman	William S. Trampe
J. Richard Hunt	Paul Ohri, ex-officio
Thomas A. Long	

**Committee members not present:**

Thomas R. Sharp, Vice-Chairman

**Other Directors present during all or part of the meeting:**

Thomas C. Stone

**Others present during all or part of the meeting:**

Eric Kuhn, Secretary/General Manager, CRWCD  
Peter Fleming, General Counsel, CRWCD  
Kirstin McMillan, Staff Attorney, CRWCD  
Dan Birch, Project Development Manager, CRWCD  
David Merritt, Chief Engineer, CRWCD  
Chris Treese, Manager, External Affairs, CRWCD  
Martha Moore, Administrative Assistant, CRWCD  
Anne Castle, Holland & Hart, L.L.P.  
David Hallford, Balcomb & Green, P.C.

**Quorum:**

Chairman Mathis found a quorum and called the Litigation Committee meeting to order at 10:12 a.m.

**Approval of Minutes and Actions Taken.**

Director Hunt moved, seconded by Director Trampe, to approve the minutes and actions taken of the February 6, 2003 Litigation Committee Meeting, Telephone Conference, subject to the replacement in paragraph 2 under "Review Agenda and Meeting Objectives" the text "representative of a party with a common interest in C-BT Project operations" with "signatory of a common interest agreement with the River District." Motion carried unanimously.

Director Long moved, seconded by Director Trampe, to approve the minutes and actions taken of the March 12, 2003 Litigation Committee Meeting, subject to the addition in paragraph 2 under "Summary and Action Items from Executive Session" the text "and related" following the text "Free Water." Motion carried unanimously.

**Review Agenda and Meeting Objectives.**

Peter Fleming recommended that the Committee proceed into Executive Session, pursuant to C.R.S. §§ 24-6-402(4)(b) legal advice, and (e) negotiations, to discuss and report back to the full Board on the Committee's legal advice on negotiations and potential litigation on Colorado-Big Thompson(C-BT) Project issues.

The Committee invited special counsel, Anne Castle of Holland & Hart, LLP, and David Hallford of Balcomb & Green, P.C., to address the Board in Executive Session regarding C-BT Project issues.

Director Long moved, seconded by Director Trampe, to proceed into Executive Session to discuss pending and potential litigation and negotiations pursuant to C.R.S. §§ 24-6-402(4)(b) legal advice, and (e) negotiations. Motion carried unanimously.

Peter Fleming stated that no further record of the Executive Session was to be kept based on his opinion that the discussion would constitute a privileged attorney-client communication.

**Summary and Action Items from Executive Session.**

Peter Fleming reported that, in Executive Session, the Committee discussed matters concerning the C-BT Project and the slide at Heeney. The Committee provided negotiation direction to staff and special counsel.

**Adjourn.**

There being no further business before the Committee, Chairman Mathis adjourned the meeting at 11:20 a.m.

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Stephen M. Mathis, Chairman

ATTEST:

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R. Eric Kuhn, General Manager

*Executive Session Attestations.*

*I hereby attest that the portions of the Executive Session that were not transcribed constituted privileged attorney-client communications.*

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*Peter Fleming, General Counsel*

*I hereby attest that the portions of the Executive Session that were not recorded was confined to the topics authorized for discussion in Executive Session.*

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*Stephen M. Mathis, Chairman*